

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**Intellectual Ventures I LLC and  
Intellectual Ventures II LLC,**

*Plaintiffs,*

**V.**

**Sally Beauty Holdings, Inc., and  
Sally Beauty Supply LLC,**

***Defendants.***

**CIVIL ACTION NO. 2:15-CV-1414-JRG**

## JURY TRIAL DEMANDED

## **JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT**

Pursuant to Local Patent Rule 4-3 of the Eastern District of Texas and the Court’s Docket Control Order (Dkt. No. 31), Plaintiffs Intellectual Ventures I, LLC and Intellectual Ventures II, LLC (“Intellectual Ventures”) and Defendants Sally Beauty Holdings, Inc., and Sally Beauty Supply LLC (“Defendants”) file this Joint Claim Construction and Prehearing Statement,

**(a) The construction of those claim terms, phrases, or clauses on which the parties agree;**

Pursuant to P.R. 4-3(a), See Exhibit “A” attached hereto, containing the parties agreed proposed constructions of claim terms, phrases, or clauses, of the patents-in-suit, U.S. Patent Nos. 5,969,324 and RE43,715.

If the parties are able to reach further agreement concerning the constructions of any of the remaining claim terms, phrases, or clauses at issue, they will supplement the present Joint Claim Construction and Prehearing Statement.

**(b) Each party's proposed construction of each disputed claim term, phrase, or clause, together with an identification of all references from the specification or prosecution**

**history that support that construction, and an identification of any extrinsic evidence known to the party on which it intends to rely either to support its proposed construction of the claim or to oppose any other party's proposed construction of the claim, including, but not limited to, as permitted by law, dictionary definitions, citations to learned treatises and prior art, and testimony of percipient and expert witnesses;**

See Exhibit A, attached hereto containing the Parties' proposed constructions for each disputed claim term of U.S. Patent Nos. 5,969,324 ("the '324 Patent") and RE43,715 ("the '715 Patent").

See Exhibit B containing Plaintiffs' cited intrinsic and extrinsic evidence.

See Exhibit C containing Defendants' cited intrinsic and extrinsic evidence.

**(c) The anticipated length of time necessary for the Claim Construction Hearing**

The parties expect the Claim Construction Hearing to require 2 hours, with 1 hour allocated per side.

**(d) Whether any party proposes to call one or more witnesses, including experts, at the Claim Construction Hearing, the identity of each such witness, and for each expert, a summary of each opinion to be offered in sufficient detail to permit a meaningful deposition of that expert; and**

Neither party intends to call witnesses live at the claim construction hearing.

**(e) A list of any other issues which might appropriately be taken up at a prehearing conference prior to the Claim Construction Hearing, and proposed dates, if not previously set, for any such prehearing conference.**

Neither party is aware of any issues necessitating a prehearing conference.

**Date: April 8, 2016**

Respectfully submitted,

/s/ Christian Hurt

**Christian Hurt**

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**ATTORNEYS FOR DEFENDANTS  
SALLY BEAUTY HOLDINGS, INC. AND  
SALLY BEAUTY SUPPLY LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document has been delivered to all counsel of record via the Court's CM/ECF service on this 8th day of April 2016.

/s/ Christian Hurt

**Christian Hurt**